

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Approved For Release 2005/07/28 : CIA-RDP91M00696R000800110013-3

FROM:

C/ISAS

EXTENSION

NO.

DATE

23 February 1976

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TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. AI/DDA

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3. DDA

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The attached package lists requirements imposed on the Agency by Executive Order 11905 and suggests actions, in the attached tabs, that might be taken to meet these requirements.

Requirements that are not subject to interpretation and would seem to leave little room for controversy are those for which action is recommended in Tabs A, B, D, E, F, and J. Requirements that might be fulfilled by alternative actions or that might be difficult or controversial to implement are those for which actions are recommended in Tabs C, G, H, I, K, and L.

If you agree, this package could be presented to members of the working group as a starting point to reach a consensus on actions required within the Agency to meet each requirement of the Executive Order. For actions requiring regulatory change or the publication of notices, I have attached concurrence sheets that could be signed by members of the working group.

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MEMORANDUM FOR: Deputy Director for Administration
SUBJECT: Implementation of Executive Order 11905

This memorandum outlines actions required to implement (a) those provisions of the Executive Order requiring action by CIA and (b) those provisions of the Executive Order requiring action by the DCI in his capacity as Director of Central Intelligence, as distinguished from his functions relating to the Committee on Foreign Intelligence. Documents are attached to implement each action recommended (Tabs A through L). The memorandum is keyed to provisions of the Executive Order, abbreviated for ease of reading, as follows:

OK 1. Actions required by the CIA:

Executive Order - Page 14, Section 4 (b), "The Central Intelligence Agency". All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign intelligence functions outlined below. . . ."

Action - Since this provision further amplifies the duties and responsibilities of CIA as set forth in the National Security Act of 1947 and the Central Intelligence Act of 1949, it should be codified in HR 1-1 and republished verbatim as a separate paragraph under "Missions and Responsibilities" of The Central Intelligence Agency (Tab A).

OK Executive Order - Page 23, Section 5, "Restrictions on Intelligence Activities."

Action - Implementation of this provision requires three actions:

First - This section should be republished verbatim as Agency regulation [redacted] should be revised as indicated below and redesignated as [redacted] for the following reasons:

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° The restrictions should be published as a regulation to make clear that this section has the force and effect of law, and as providing the best mechanism for informing all personnel on a continuing basis of the Executive Order restrictions. We also can incorporate references to the restrictions in our required regulatory reading for all personnel. Codification in Agency regulations also permits ready reference and thorough indexing of the restrictions.

° The restrictions should be incorporated verbatim (a) due to the nuances of the phraseology and key words that resulted from many months of laborious negotiation, scrutiny, and compromise by the interested executive departments and agencies; (b) to clearly reflect the restrictions as those of an Executive Order rather than restrictions self-imposed by Agency management subject to unilateral change by the Agency; (c) to make clear that the definition of terms used in these restrictions are appropriate only to these specific provisions and not to other Agency documents; (d) to make the reader aware that the restrictions are applicable to all "foreign intelligence agencies" so that the meaning of some provisions can be read in that context; and (e) to avoid changing the meaning of the restriction by attempting to restate the restriction in language more commonly used in Agency regulations.

A proposed draft regulation is attached with only the introductory paragraph titled "General" added to explain the origin of regulation. Provisions of the Executive Order are then incorporated verbatim in the succeeding subparagraphs of the regulation (Tab B).

Second - Since portions of the restrictions are applicable to overseas activities, a field issuance should be prepared, preferably in the form of a field regulation. Since the Executive Order is unclassified and applicable to all foreign intelligence agencies rather than being unique to CIA, the Headquarters version might be reissued verbatim as a field regulation without jeopardizing the security of field stations. As an alternative a sterilized version of the paragraphs applicable to overseas activities should be incorporated into a field regulation.

Third - The current [] should be redesignated as [] Since its provisions are not inconsistent with the Executive Order, the redesignated [] need be revised only to the extent of incorporating the additional

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restrictions presently in coordination (biochemical warfare agents and toxins, and Mr. Colby's additional restrictions)(Tab C).

OK Executive Order - Page 27, Section 5(b)(2), ". . . the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law."

Action - A draft of procedures should be forwarded to the Attorney General (responsibility assumed by the Office of General Counsel)(Tab D).

OK Executive Order - Page 33, Section 6(b)(1 through 5), "Inspectors General and General Counsels within the intelligence community shall: (submit reports to the oversight board and formulate practices and procedures designed to discover and report activities that raise questions of legality or propriety.)"

25X1 Action - The Agency regulations relating to the Office of the Inspector General [] and the Office of General Counsel [] should be revised to reflect the reporting requirements directed by the Executive Order. Notices relating to the new authorities and responsibilities of the Inspector General and General Counsel also should be published (Tabs E and F). 25X1

OK Executive Order - Page 34, Section 6(c), "Heads of intelligence agencies or departments shall: . . ."

"(2) Instruct their employees to cooperate fully with the oversight board."

Action - Two actions are required:

First - Distribute a memorandum from the Director to all employees advising them of the establishment of the Intelligence Oversight Board and asking that they cooperate with the Board if called upon (Tab G).

25X1 Second - Include in the employee Handbook of Required Regulatory Reading [] a provision requiring employees to cooperate fully with the oversight board if called upon (Tab G).

OK "(3) Insure that Inspectors General and General Counsels of their agency have access to any information necessary to perform their duties . . ."

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Action - Revise [] (Office of the Inspector General) and b (Office of General Counsel) to authorize the Inspector General and General Counsel access to such information (see Tabs E and F).

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Executive Order - Page 34, Section 7, Secrecy Protection, "... All members of the Executive Branch and its contractors given access to information containing sources or methods of intelligence shall ... sign an agreement that they will not disclose that information ..."

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Action - Copies of nondisclosure agreements with respect to sources or methods of intelligence should be distributed through the chain of command for signature of all CIA employees and contractor personnel. A draft of this agreement is attached (Tab H).

OK
Executive Order - Page 35, Section 7 (b), "... the names of any persons found to have made unauthorized disclosure shall be forwarded ... to the Attorney General for appropriate legal action."

Action - A notice should be published reciting the requirements of the Executive Order relating to unauthorized disclosures and providing procedures for compliance (Tab I).

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Executive Order - Page 35, Section 7 (c), "... In the event of any threatened unauthorized disclosure ... concerning sources or methods ... the terms of the threatened disclosure shall be transmitted to the Attorney General ..."

Action - See Tab I.

Executive Order - Page 35, Section 7 (d), "... The Director of Central Intelligence is authorized to promulgate rules and regulations to expand the scope of agreements secured from those persons who ... have access to classified intelligence material."

OK
Action - The proposed regulation relating to sources and methods and requiring nondisclosure agreements for individuals who have access to sources and methods should be promptly coordinated and published (Tab J).

2. Actions Required by the DCI Affecting the CIA:

OK Executive Order - Page 8, Section 3(d)(1)(vii), "The DCI . . . shall . . . ensure that appropriate programs are developed which properly protect intelligence sources, methods, and analytical procedures (by being responsible for) (A) protection by lawful means against disclosure by present or former employees of the CIA . . ."

Action - Secrecy agreements for all employees and contractors should be reaffirmed and updated and non-disclosure agreements (see Tab G) should be executed by all such individuals.

Deferred Executive Order - Page 9, Section 3(d)(1)(vii)(C), "In cases involving serious or continuing security violations, (recommend referral to the FBI for investigation)."

Action - See Action recommended by Tab I.

Deferred Executive Order - Page 9, Section 3(d)(1)(viii), "Establish a vigorous program to downgrade and declassify foreign intelligence information . . ."

Action - The following actions are recommended to institute such a program:

First - Establishment by the DCI of a Declassification Review Staff with a representative from each Agency component under the direction of the Assistant for Information/DDA to initiate the review of documents for declassification within their respective directorates (Tab K).

Second - Direct that all Records Management Officers in the Agency devote a minimum of 10 percent of their time to the declassification of records and report the progress of such declassification to the Inspector General on a quarterly basis (Tab K).

Third - Direct that the components responsible for responding to Freedom of Information requests and Privacy Act requests and components responsible for the CIA History Program declassify as much of the material falling within their purview as is prudent within our responsibility to protect intelligence sources and methods (Tab K).

OK Executive Order - Page 9, Section 3(d)(1)(ix), "Ensure the existence of a strong Inspector General."

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Action - Revise [] (Office of the Inspector General) and publish a notice to all personnel reciting the increased duties and enhanced responsibilities of the Inspector General (See Tab E).

OK Executive Order - Page 11, Section 4(a)(3), "Establish internal policies and guidelines governing employee conduct . . ."

Action - No additional action required. Subject is covered by Agency regulations and the Handbook of Required Regulatory reading.

OK Executive Order - Page 13, Section 4(a)(4), "Provide for a strong and independent organization for identification and inspection of . . . unauthorized activity."

Action - No further action required. The increased responsibilities and authority of the Inspector General and the admonitions contained in Agency regulations satisfy this requirement.

OK Executive Order - Page 13, Section 4(a)(5), "Report to the Attorney General that information (on) prevention of possible violations of law . . ."

Action - A memorandum should be forwarded to the Attorney General from the General Counsel reciting the current Agency regulation on this matter and advising him of our opinion that this regulation satisfies the requirement of the Executive Order (Tab L).

Defend Executive Order - Page 14, Section 4(a)(8), "Protect intelligence and intelligence sources and methods . . ."

Action - Publish the Agency regulation on protection of intelligence sources and methods (See Tab J).

Defend Executive Order - Page 14, Section 4(a)(9), "Conduct a continuing review of all classified material . . . and promptly declassify . . . consistent with Executive Order 11652 . . ."

Action - See Tab K.

ok { Executive Order - Page 33, Section 6(c), "Heads of intelligence agencies . . . shall: (1) report periodically to the oversight board."

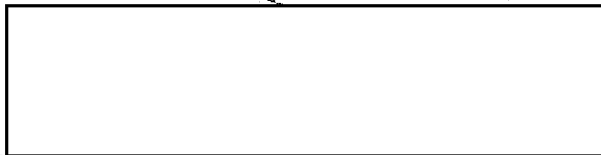
Action - See Tab G.

Executive Order - Section 6(c)(2), "Instruct their employees to cooperate fully with the oversight board."

Action - See Tab G.

ok { Executive Order - Section 6(c)(3), "Ensure that Inspectors General and General Counsels . . . have access to any information necessary . . ."

Action - See Tab E and F.



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Chief, Information Systems Analysis Staff

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